

**4.270 Building line, required front.**

"Required 'front building line" means the line nearest to the front and across a lot establishing the minimum open space to be provided between the front line of a building and the front lot line. See also definition of setback line, section 4.1420.

**4.280 Building line, required rear.**

"Required rear building line" means the line nearest to the rear and across a lot establishing the minimum open space to be provided between the rear line of a building and the rear lot line. See also definition of setback line, section 4.1420.

**4.290 Building line, required side.**

"Required side building line" means the line nearest to the side and extending between the required front building line and required rear building line establishing the minimum open space to be provided between the side line of a building and the side lot line. See also definition of setback line, section 4.1420.

**4.300 Building, principal.**

"Principal building" means a building in which is conducted the main, or principal, use of the lot on which the building is situated.

**4.310 Building, public.**

"Public building" means a building, supported by government funds, to be used in an official capacity on behalf of the entire community.

**4.320 Business.**

"Business" means the engaging in of the purchase, sale, barter or exchange of goods, wares, merchandise or service; the maintenance or operation of offices or recreational or amusement enterprises.

**4.330 Campground.**

"Campground" means any area of land used to temporarily accommodate two or more camping parties, including cabins, tents, recreational vehicles or other camping outfits.

**4.340 Carport.**

"Carport" means a structure, open on at least two sides, consisting of a roof and either walls or columns for the purpose of housing automotive vehicles and other chattels. The structure shall be considered as an accessory building when detached from the principal building and as a part of the principal building when attached to the principal building along one or more sides of the carport or principal building.

**4.350 Casino.**

A. "Casino" means an establishment whose primary use or activity is gambling, either in the form of gambling machines (video poker, keno, etc.), card games, or other licensed gambling activity. A casino will normally have beverage and restaurant facilities as ancillary uses. In all instances, an establishment will be considered a casino for the purpose of these regulations if any of the following characteristics apply:

1. The establishment is referenced as a casino by signage or by name;
2. More than one card table is on the premises;
3. Fifteen (15) or more gambling machines are on the premises; or
4. The predominant source of income is from gambling revenue.

B. An applicant for a casino establishment must obtain a Montana state license to sell alcoholic beverages for consumption on the premises.

C. Generally, an establishment will not be considered a casino when the premise contains no live card games, has less than six (6) gambling machines, and the gambling devices are clearly incidental to the primary use of the establishment.

**4.360 Cemetery.**

"Cemetery" means land used for the burial of the dead and dedicated for cemetery purposes, including crematories, mausoleums and mortuaries when operated in conjunction with and within the boundary of such cemetery.

**4.370 Child.**

"Child" means a person under twelve years of age.

**4.380 Church.**

"Church" means a building, together with its accessory buildings and uses, where persons regularly assemble for religious worship, and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship.

**4.390 City.**

"City" means the city of Bozeman.

**4.400 Club, private (nonprofit).**

"Private (nonprofit) club" means a nonprofit association of persons who are bona fide members paying annual dues which owns, hires or leases a building, or a portion thereof-, the use of such premises being restricted to member's and their guests.

**4.410 Commission, county.**

"County commission" means the governing body of the county and, when involving issues of this title, the zoning jurisdiction of the Gallatin County / Bozeman Area Zoning District.

**4.420 Community residential facility.**

"Community residential facility" means a single residential structure having common kitchen facilities occupied by eight or fewer persons having developmental disability and living together for the purpose of residential training, observation and/or common support, in which care is provided on a twenty-four-hour per day basis. The limitation of eight or fewer persons does not include the operator of a residential facility, members of the operator's family or persons employed as staff, except that the total number of all persons living at the residential facility shall not exceed ten.

**4.430 Conditional use permit.**

"Conditional use permit" means legal authorization to construct, develop or operate a conditional use as defined by this title.

**4.440 Condominium.**

"Condominium" means a building or group of buildings in which units are owned individually and the structure, common areas and facilities are owned by all owners on a proportional, undivided basis. Condominiums may be residential, commercial or industrial in nature.

**4.450 Convenience food restaurant.**

"Convenience food restaurant" means an establishment whose principal business is the sale of foods, frozen desserts, or nonalcoholic beverages to the consumer in a ready-to-eat state for consumption either within the premises or for carry-out with consumption either on or off the premises and whose design or principal method of operation includes both of the following characteristics:

**A.** Foods, frozen desserts, or nonalcoholic beverages are usually served in edible containers or in paper, plastic or other disposable containers;

**B.** The customer is not served food at his/her table by an employee but receives it at a counter, window or similar facility for carrying to another location for consumption either on or off the premises.

**4.460 Convenience use.**

"Convenience use" means retail commercial uses which have relatively high traffic generation rates per one thousand square feet compared to other commercial uses. A use is designated as a convenience use if method of operation includes one or more of the following characteristics:

**A.** Retail motor fuel is sold;

**B.** The primary business is the sale of food or drink for consumption, either on or off premises, over a counter, or from an outdoor service window or automobile service window. Of the food or drink sold, at least twenty percent (20%) is in disposable or carry-out containers;

**C.** Drive-in and drive-through restaurants.

**4.470 Day care center.**

"Day care center" means a place in which supplemental parental care is provided to thirteen or more children on a regular basis and which is licensed by the department of family services.

**4.480 Day care home, family.**

"Family day care home" means a private residence in which supplemental parental care is provided to three to six children from separate families on a regular basis and which is registered by the department of family services.

**4.490 Day care home, group.**

"Group day care home" means a private residence in which supplemental parental care is provided to seven to twelve children on a regular basis and which is registered by the department of family services.

**4.500 Density, gross.**

"Gross density" means the number of residential dwelling units per unit of land.

**4.510 Density, net residential.**

"Net residential density" means the number of residential dwelling units per unit of land, excluding any land used or to be used as arterial streets rights-of-way or private nonresidential uses. For calculating net residential density, the following formula shall apply:

$$D = \frac{du}{A-(c+i+s+a)}.$$

Where:

- D = residential density
- du = total number of dwelling units in project
- A = total site area (acres)
- c = total commercial land area (acres)
- i = total industrial land area (acres)
- s = reserved but undedicated school or park sites (acres)
- a = Street rights-of-way (acres)

**4.515 Design review.**

"Design review" means the aesthetic evaluation of certain development proposals, including those located in the entryway overlay district, and all planned unit developments, relative to architectural, site, landscape, environmental, urban, and other design matters as specified in this title.

**4.530 Development.**

"Development" means any man made change to improve or alter real estate, including but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.